

ROBERT ROSS FOGG, Atty Reg 4044426  
69 Delaware Avenue, Suite 600  
Buffalo, New York 14202  
Tel 716.853.3677

Attorney for Defendant  
NINA JAFARI

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

NINA JAFARI,  
*Defendant.*

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Case No: 1:13-CR-19-WMS-JJM

NOTICE OF MOTION AND MOTION TO  
SET CAUSE FOR NON-JURY TRIAL

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Date: November 26, 2013  
Time: 2:00 P.M.  
Present: Hon. Jeremiah J. McCarthy

TO THE CLERK OF THE ABOVE-ENTITLED COURT, THE PRESIDING CIRCUIT JUDGE  
AND MAGISTRATE AND TO THE UNITED STATES ATTORNEY FOR THE WESTERN  
DISTRICT OF NEW YORK:

PLEASE TAKE NOTICE, before trial or hearing, that Defendant, NINA JAFARI, by and  
through counsel, respectfully requests this Honorable Court to adjudicated, without delay, all  
pre-trial pleadings without oral argument.

PLEASE TAKE NOTICE that Defendant, NINA JAFARI, by and through counsel, files  
the instant Notice of Motion and Motion to set cause for non-jury trial.

Dated: Buffalo, New York  
November 3, 2013

Respectfully submitted,

/s/ Robert Ross Fogg  
ROBERT ROSS FOGG, ESQ.

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NINA JAFARI

UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

NINA JAFARI,  
*Defendant.*

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Case No: 1:13-CR-19-WMS-JJM

ATTORNEY AFFIRMATION IN  
SUPPORT OF DEFENDANT'S MOTION  
TO SET CAUSE FOR NON-JURY TRIAL

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Date: November 26, 2013  
Time: 2:00 P.M.  
Present: Hon. Jeremiah J. McCarthy

STATE OF NEW YORK     )  
COUNTY OF ERIE        ) SS:  
CITY OF BUFFALO        )

Robert Ross Fogg, Esq., being duly sworn, deposes and affirms the following to be true and states under the penalty of perjury that:

I am an attorney at law duly licensed to practice in the State of New York and before this Court, with an office located at 69 Delaware Avenue, Suite 600, Buffalo, New York. I am the retained counsel representing Defendant, NINA JAFARI, on the above-captioned matter and make this affirmation in support of the relief sought in the annexed Notice of Motion.

Counsel has had extensive discussions with Defendant regarding criminal proceedings, pre-trial procedures and Defendant's case in particular, which includes pending defense motions

and a prospective motion for suppression of statements. Counsel has endeavored to explain the significance of said pre-trial matters as they relate to defendant's criminal case.

Notwithstanding, at the persistence of Defendant and contrary to the advice of counsel, Defendant, NINA JAFARI, hereby moves this court, which has jurisdiction of said case now pending before the Court, for immediate rulings upon all pretrial matters presently pending without oral argument and without further submissions.

As the Defendant does not wish to engage in settlement or plea negotiations there exist no conditions or agreement that would dispose of the matter before trial. Therefore, upon the close of pre-trial pleadings, Defendant, NINA JAFARI, requests that the Court deem the action ripe and ready to be set for trial. Accordingly, Defendant, NINA JAFARI, respectfully requests a Non-Jury Trial scheduled for a specific day and time within the discretion of the presiding Circuit Judge and at the availability of the parties whenever possible.

At present, Defendant, NINA JAFARI, foresees the presentment of no testifying witnesses. Therefore, the estimated time for non-jury trial shall be determined by the time necessary for the Government to present its case-in-chief, with time for defense cross-examination. Defense, reserving the right to present evidence, shall immediately notify the Court and Government if the need to present the same is later revealed.

The undersigned declares under penalty of perjury that the foregoing is true and correct, pursuant to 28 USC §1746, NYCPLR §2106 and NYPL §210.45.

DATED: November 3, 2013  
Buffalo, New York

Respectfully Submitted,

/s/ Robert Ross Fogg  
ROBERT ROSS FOGG, ESQ.  
Attorney for Defendant,  
*NINA JAFARI*

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UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,  
*Plaintiff,*

Case No: 1:13-CR-19-WMS-JJM

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NINA JAFARI,  
*Defendant.*

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2013, I electronically filed Defendant's Notice of Motion and Motion to Set Cause for Non-Jury Trial, dated November 3, 2013, on Behalf of the interested parties with the Clerk of the District Court using the CM/ECF system.

I hereby certify that on November 3, 2013, a copy of the foregoing was also delivered to the following using the CM/ECF System.

United States Attorney  
Michael DiGiacomo, AUSA  
138 Delaware Avenue  
Buffalo, New York 14202

Dated: Buffalo, New York  
November 3, 2013

Respectfully submitted,

/s/ Robert Ross Fogg  
ROBERT ROSS FOGG, ESQ.